IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1009 (S/B) of 2002

Dan Singh S/o Shri Khim Singh Bhakuni
& 13 others.
All are working as seasonal employees in Haldwani Forest Division Haldwani, District Nainital ------- Petitioner

Versus

1. State of Uttaranchal through the Secretary Forest Department, Govt. of Uttaranchal at Dehradun
2. The Principal Chief Conservator of Forest, Uttaranchal at Dehardun
3. The Chief Conservator of Forest, Kumaun Circle at Nainital
4. The Divisional Forest Officer Haldwani Forest Division, Haldwani, District Nainital.

------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri A.D. Tripathi and Sri B.S. Bist, learned counsel for the petitioners and Sri H.M. Raturi, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. a writ, order of direction in the nature of mandamus commanding the respondents to pass appropriate order in the matter of the petitioners as directed by the Division Bench of the Hon'ble High Court at Allahabad in Writ Petition No. 17847 of 1991 (Annexure 7 to the writ petition) and regularize the services of the petitioners on the posts held by them and give them the same benefits as it is being given to the regular employees in the corresponding cadre.

2. any other suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.
3. to award the cost of the writ petition to the petitioner.

The stand of the petitioners is that they are working as seasonal employees in the Forest Division, Haldwani, District Nainital and they are serving the department for more then ten years. Learned counsel for the petitioners has submitted that every year the petitioners are given deliberated break in service by the respondents so that petitioners may not claim for regularization of their services and further that this deliberated break in service in nothing but an artificial break. Learned counsel for the petitioners has further submitted that praying to the respondents for their regularization and that they should not be given artificial break in service, the petitioners have approached the Officer concerned and he has also recommended the matter of the petitioners to the Government.

The stand taken by the respondents in the counter affidavit is that the services of the petitioners are required in the rainy season also and that the matter has already been refereed to the Government for proper action.

Therefore, without entering into the merits of the case, I deem it fit and proper to direct the appropriate authority to take decision in the matter of petitioners within a period of four months from the date of production of a certified copy of this order before him.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

17.08.2007
VKS